

REMARKS

This Amendment is in response to the Office Action dated September 18, 2007. By this Amendment, method claims 10-16 have been canceled without prejudice. New claims 34- 39 are being submitted for consideration. Favorable reconsideration of all pending claims is respectfully requested.

Claims 17, 18 and 20 have been once again rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,743,265 to Whitehouse et al. (the "Whitehouse patent"). Previously, these same claims were rejected by the previous Examiner as being anticipated by the Whitehouse patent. In response to the final rejections of these claims, Applicants filed a Notice of Appeal and filed an opening Appeal Brief to traverse this rejection. In response to the Applicants' filing of an appeal and an appeal brief, the rejection based on the Whitehouse patent was withdrawn. The prior Examiner thus conceded that the Whitehouse patent did not anticipate claims 17, 18 and 20. The reassertion of this same rejection based on the Whitehouse patent is a blatant attempt to circumvent the prosecution history of this case. Applicants will again appeal this rejection, if necessary, and will certainly raise the fact that the previous Examiner conceded that the Whitehouse patent does not anticipate these claims.

It is submitted that the Whitehouse patent does not teach a platform removably secured to a catheter handle nor an arrangement involving the removable platform being slidably secured to the catheter handle. On the contrary, the Whitehouse patent merely discloses a base member **12** including a housing **36** against which recesses 56A and 56B

of handles **14** and **16** are placed. Clearly, the arrangement disclosed in the Whitehouse patent does not involve removably securing the handles **14** and **16** to the base **12**. In the Whitehouse patent, one component is simply placed against another component. However, simple contact between components does not constitute securing the items together. Moreover, Applicants maintain that should an individual pick up the handles **14** and **16** of the Whitehouse device, the base **12** would not remain secured to the handles **14** and **16** as one would expect of items that are secured to each other. While the Examiner states that one would be able to lift the handle portions when the components are placed in the position shown in Figure 6A, Applicants submit that Figure 6B actually shows what would happen if one were to pick up the handles, namely, the ends **116** and **118** of the handles would simply move from the housing **36** since the ends **116** and **118** are not removably secured to the housing **36**. The figures and specification show that the handles of the Whitehouse device are in no manner secured to the base and certainly not "removably secured" as recited in the claims. The Examiner's position regarding Figure 6A is based merely on speculation. Therefore, Applicants submit that the Examiner has failed to establish a prima facie case of anticipation of these claims.

In usage, the base **12** of Whitehouse device is used as a stabilizer and permits the handles **14**, **16** to rotate with respect thereto. Additionally, member **20** is actually threaded through the base **12** and is not secured to the handles **14**, **16** since it is independently placed within vasculature and thereafter split by the handles **14**, **16** to disjoin it from the catheter **18** (See column 6, lines 9 et seq.). Applicants also believe it is

noteworthy that reference numeral **18** of the Whitehouse patent is actually a needle and as such arguably does not form part of the catheter or structure required by the claims. Accordingly, it is respectfully submitted that independent claim 17 and dependent claims 18 and 20 define patentable subject matter.

Claims 17, 18, 20, 24-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Whitehouse patent in view of U.S. Patent No. 5,687,727 to Kraus et al. (the "Kraus patent"). Initially, Applicants note that the Kraus patent, like the Whitehouse patent, fails to disclose a platform which is removably secured to a catheter handle. For at least reason alone, the combination of the Whitehouse patent with the Kraus patent fails to achieve the structure recited in the claims at issue. Moreover, both the Kraus patent and Whitehouse patent fails to disclose an assembly of components in which the catheter handle is slidable with respect to the outer member, as is recited in claim 25. In the Kraus patent, the handle must be maintained in a fixed position. The same is true for the handle assembly of the Whitehouse patent. In Applicants' presently claimed invention, the handle can be disposed anywhere along the length of the catheter to adjust the length of the catheter. This feature is not disclosed in any of the cited art. It is respectfully submitted, however, that the combination of Whitehouse patent with the Kraus patent fails to achieve the structure recited in independent claim 17 or its rejected dependent claims 18-20 and 24-33. Applicants respectfully request the Examiner to withdraw the obviousness rejections raised against these claims.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Whitehouse patent. Again, as addressed above, the Whitehouse patent fails to disclose the basic structure recited in claim 17. Accordingly, claim 19 could not be obvious over the Whitehouse patent. Applicants respectfully request the Examiner to withdraw the rejection of claim 19 based on the Whitehead patent.

New claims 34-39 disclose a catheter structure which is not disclosed in the art of record. None of the art shows the use of a catheter handle and platform which includes structure that allows the platform to be removably secured to the handle. Favorable consideration of these new claims is requested.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

Respectfully submitted,
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